

# House Amendment 1014

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1 1 Amend the amendment, H=1010, to House File 65 as  
1 2 follows:

1 3 #1. Page 1, by striking lines 14 through 28 and  
1 4 inserting the following:

1 5 <one year. A revocation under section 321J.9  
1 6 includes a minimum period of ineligibility for a  
1 7 temporary restricted license of ninety days.

1 8 (a) A defendant whose alcohol concentration is .08  
1 9 or more but not more than .10 shall not be eligible  
1 10 for any temporary restricted license for at least  
1 11 thirty days if a test was obtained and an accident  
1 12 resulting in personal injury or property damage  
1 13 occurred. The defendant shall be ordered to install  
1 14 an ignition interlock device of a type approved by the  
1 15 commissioner of public safety on all vehicles owned by  
1 16 the defendant if the defendant seeks a temporary  
1 17 restricted license. There shall be no such period of  
1 18 ineligibility if no such accident occurred, and the  
1 19 defendant shall not be ordered to install an ignition  
1 20 interlock device.

1 21 (b) A defendant whose alcohol concentration is  
1 22 more than .10 shall not be eligible for any temporary  
1 23 restricted license for at least thirty days if a test  
1 24 was obtained, and an accident resulting in personal  
1 25 injury or property damage occurred or the defendant's  
1 26 alcohol concentration exceeded .15. There shall be no  
1 27 such period of ineligibility if no such accident  
1 28 occurred and the defendant's alcohol concentration did  
1 29 not exceed .15. In either case, where a defendant's  
1 30 alcohol concentration is more than .10, the defendant  
1 31 shall be ordered to install an ignition interlock  
1 32 device of a type approved by the commissioner of  
1 33 public safety on all vehicles owned by the defendant  
1 34 if the defendant seeks a temporary restricted  
1 35 license.>

1 36 #2. By striking page 1, line 44, through page 2,  
1 37 line 5, and inserting the following:

1 38 <321J.9.

1 39 a. A defendant whose alcohol concentration is .08  
1 40 or more but not more than .10 shall not be eligible  
1 41 for any temporary restricted license for at least  
1 42 thirty days if a test was obtained and an accident  
1 43 resulting in personal injury or property damage  
1 44 occurred. The defendant shall be ordered to install  
1 45 an ignition interlock device of a type approved by the  
1 46 commissioner of public safety on all vehicles owned by  
1 47 the defendant if the defendant seeks a temporary  
1 48 restricted license. There shall be no such period of  
1 49 ineligibility if no such accident occurred, and the  
1 50 defendant shall not be ordered to install an ignition  
2 1 interlock device.

2 2 b. A defendant whose alcohol concentration is more  
2 3 than .10 shall not be eligible for any temporary  
2 4 restricted license for at least thirty days if a test  
2 5 was obtained, and an accident resulting in personal  
2 6 injury or property damage occurred or the defendant's  
2 7 alcohol concentration exceeded .15. There shall be no  
2 8 such period of ineligibility if no such accident  
2 9 occurred and the defendant's alcohol concentration did  
2 10 not exceed .15. In either case, where a defendant's  
2 11 alcohol concentration is more than .10, the defendant  
2 12 shall be ordered to install an ignition interlock  
2 13 device of a type approved by the commissioner of  
2 14 public safety on all vehicles owned by the defendant  
2 15 if the defendant seeks a temporary restricted license.

2 16 c. If>.

2 17 #3. Page 2, by striking lines 23 through 35 and  
2 18 inserting the following:

2 19 <test was refused.

2 20 a. A defendant whose alcohol concentration is .08  
2 21 or more but not more than .10 shall not be eligible

2 22 for any temporary restricted license for at least  
2 23 thirty days if a test was obtained and an accident  
2 24 resulting in personal injury or property damage  
2 25 occurred. The defendant shall be ordered to install  
2 26 an ignition interlock device of a type approved by the  
2 27 commissioner of public safety on all vehicles owned by  
2 28 the defendant if the defendant seeks a temporary  
2 29 restricted license. There shall be no such period of  
2 30 ineligibility if no such accident occurred, and the  
2 31 defendant shall not be ordered to install an ignition  
2 32 interlock device.

2 33 b. A defendant whose alcohol concentration is more  
2 34 than .10 shall not be eligible for any temporary  
2 35 restricted license for at least thirty days if a test  
2 36 was obtained, and an accident resulting in personal  
2 37 injury or property damage occurred or the defendant's  
2 38 alcohol concentration exceeded .15. There shall be no  
2 39 such period of ineligibility if no such accident  
2 40 occurred and the defendant's alcohol concentration did  
2 41 not exceed .15. In either case, where a defendant's  
2 42 alcohol concentration is more than .10, the defendant  
2 43 shall be ordered to install an ignition interlock  
2 44 device of a type approved by the commissioner of  
2 45 public safety on all vehicles owned by the defendant  
2 46 if the defendant seeks a temporary restricted license.

2 47 c. If the defendant is under the age>.

2 48 #4. By striking page 2, line 43, through page 3,  
2 49 line 18, and inserting the following:

2 50 <2. a. A person whose driver's license or  
3 1 nonresident operating privileges have been revoked  
3 2 under subsection 1, paragraph "a", whose alcohol  
3 3 concentration is .08 or more but not more than .10  
3 4 shall not be eligible for any temporary restricted  
3 5 license for at least thirty days after the effective  
3 6 date of the revocation if a test was obtained and an  
3 7 accident resulting in personal injury or property  
3 8 damage occurred. The defendant shall be ordered to  
3 9 install an ignition interlock device of a type  
3 10 approved by the commissioner of public safety on all  
3 11 vehicles owned by the defendant if the defendant seeks  
3 12 a temporary license. There shall be no such period of  
3 13 ineligibility if no such accident occurred, and the  
3 14 defendant shall not be ordered to install an ignition  
3 15 interlock device.

3 16 b. A defendant whose alcohol concentration is more  
3 17 than .10 shall not be eligible for any temporary  
3 18 restricted license for at least thirty days if a test  
3 19 was obtained, and an accident resulting in personal  
3 20 injury or property damage occurred or the defendant's  
3 21 alcohol concentration exceeded .15. There shall be no  
3 22 such period of ineligibility if no such accident  
3 23 occurred and the defendant's alcohol concentration did  
3 24 not exceed .15. In either case, where a defendant's  
3 25 alcohol concentration is more than .10, the defendant  
3 26 shall be ordered to install an ignition interlock  
3 27 device of a type approved by the commissioner of  
3 28 public safety on all vehicles owned by the defendant  
3 29 if the defendant seeks a temporary restricted license.

3 30 c. If the person is under the age of twenty-one,  
3 31 the person shall not be eligible for a temporary  
3 32 restricted license for at least sixty days after the  
3 33 effective date of the revocation.

3 34 d. A person whose license or privileges have been  
3 35 revoked under subsection 1, paragraph "b", for one  
3 36 year shall not be eligible for any temporary  
3 37 restricted license for one year after the effective  
3 38 date of the revocation, and the person shall be  
3 39 ordered to install an ignition interlock device of a  
3 40 type approved by the commissioner of public safety on  
3 41 all vehicles owned or operated by the defendant if the  
3 42 defendant seeks a temporary restricted license at the  
3 43 end of the minimum period of ineligibility. A  
3 44 temporary restricted license shall not be granted by  
3 45 the department until the defendant installs the  
3 46 ignition interlock device.>>

3 47 #5. By renumbering, redesignating, and correcting  
3 48 internal references as necessary.

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